

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

**LINDA THOMAS,)
v.)
Plaintiff,)
LINDA S. McMAHON,¹)
Acting Commissioner of Social Security,)
Defendant.)**

CIVIL NO. 5:04CV35

FINAL JUDGMENT

Defendant Commissioner of Social Security, through counsel, has moved this Court to enter judgment. The Court has previously ordered remand of the cause to the defendant Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g).

For the reasons stated in Defendant's Motion for Entry of Judgment and pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision subsequent to remand under sentence six of 42 U.S.C. § 405(g), the Court now **ORDERS**, **ADJUDGES** and **DECREES** that:

The Commissioner's decision of October 05, 2006, is **AFFIRMED** and final judgment is hereby entered.

¹ On January 22, 2007, Linda S. McMahon became the Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Linda S. McMahon should be substituted, therefore, for Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

SO ORDERED, ADJUDGED AND DECREED.

Signed: January 30, 2007

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

